



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 3RD DAY OF JULY, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAVI V HOSMANI
REVIEW PETITION NO.252 OF 2026

BETWEEN:

SMT. MALLIGAMMA
W/O LATE GANGADHARAPPA,
AGED ABOUT 72 YEARS,
R/AT RAJANASIRIYUR VILLAGE
HALEBEEDU HOBLI,
BELUR TALUK, HASSAN DIST PIN 573 115.

...PETITIONER

(BY SRI JAGADEESH D C., ADVOCATE)

AND:

1. SRI RAJASHEKARA
S/O MALLEGOWDA,
AGED ABOUT 40 YEARS,
R/AT RAJANASIRIYUR VILLAGE
HALEBEEDU HOBLI, BELUR TALUK,
HASSAN DIST, PIN 573115.
2. SMT GAYATHRI
W/O B R RAJU,
D/O MALLEGOWDA,
AGED ABOUT 40 YEARS,
R/AT BRAMASAMUDRA VILLAGE
SAKARAYAPATNA HOBLI,
KADUR TALUK 577140
CHIKMAGALURU DIST.
3. SRI PALAKSHA
S/O CHANNABASAVE GOWDA,
AGED ABOUT 55 YEARS,
R/AT RAJANASIRIYUR VILLAGE,
HALEBEEDU HOBLI, BELUR TALUK,
HASSAN DIST PIN 573115.

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Location: High
Court of
Karnataka



4. SRI MAHESH
S/O CHANNABASAVE GOWDA,
AGED ABOUT 52 YEARS,
R/AT RAJANASIRIYUR VILLAGE,
HALEBEEDU HOBLI, BELUR TALUK,
HASSAN DIST PIN 573115.
5. SMT PUSHPA
W/O JAGADISH
AGED ABOUT 52 YEARS,
R/AT RAJANASIRIYUR VILLAGE,
HALEBEEDU HOBLI, BELUR TALUK,
HASSAN DIST PIN 573115.
6. SRI GURURAJ
S/O CHANNABASAVE GOWDA,
AGED ABOUT 47 YEARS,
R/AT RAJANASIRIYUR VILLAGE,
HALEBEEDU HOBLI, BELUR TALUK,
HASSAN DIST PIN 573115.
7. SRI SHANTHAVEEREGOWDA
S/O CHANNABASAVE GOWDA,
AGED ABOUT 48 YEARS,
R/AT RAJANASIRIYUR VILLAGE,
HALEBEEDU HOBLI, BELUR TALUK,
HASSAN DIST PIN 573115.
8. SRI ANANDA
S/O CHANNABASAVE GOWDA,
AGED ABOUT 46 YEARS,
R/AT RAJANASIRIYUR VILLAGE,
HALEBEEDU HOBLI, BELUR TALUK,
HASSAN DIST PIN 573115.
9. SRI MADHUSUDHANA
S/O CHANNABASAVE GOWDA,
AGED ABOUT 44 YEARS,
R/AT RAJANASIRIYUR VILLAGE,
HALEBEEDU HOBLI, BELUR TALUK,
HASSAN DIST PIN 573115.



10. SRI GANGADHARA
S/O CHANNAVEEREGOWDA
AGED ABOUT 79 YEARS,
R/AT JOGIHALLI VILLAGE,
HALEBEEDU HOBLI,
BELUR TQ, HASSAN DIST - 573 115.

...RESPONDENTS

THIS REVIEW PETITION IS FILED UNDER ORDER 47 RULE 1 OF CPC 1908, PRAYING TO REVIEW THE JUDGMENT DATED 19.01.2026 PASSED IN RSA NO.1466/2025(PAR) BY THIS HONBLE COURT BY ALLOWING THIS REVIEW PETITION.

THIS PETITION, COMING ON FOR FINAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

This review petition is filed aggrieved by judgment dated 19.01.2026 passed by this Court in RSA no.1466/2025.

2. Sri Jagadeesh D.C., learned counsel for petitioner submitted that review petition is filed on following grounds:

"GROUNDS

8. *The case of the Petitioner in the Trial Court, 1st Appellate Court and also in RSA No.1466/2025 (PAR) that there was already a partition that has taken place between Mallegowda S/o Lingegowda and his brother one Marigowda S/o Lingegowda. The properties fallen to the share of the Mallegowda were acquired through partition and also his self acquired properties.*



Therefore, the Plaintiffs cannot have any share in the properties which Mallegowda bequeathed as per Will dated 19/02/1979, Ex.D1, in favour of one of his daughters namely Smt. Malligamma who is the 1 Defendant in the suit and Appellant in the Second Appeal. That being the case the properties acquired by her from her father, Mallegowda are her absolute properties and cannot be considered as joint family properties.

9. *That in spite of due diligence it was not brought to notice of this Hon'ble Court at the time of final hearing of the said appeal that the Item No.1 to 6 are the self acquired properties of the father of the present Petitioner herein, namely Mallegowda and therefore, he has rightly bequeathed the said properties in favour of one his daughters viz. Malligamma. Thus, there is an error on the face of record in the Judgment.*
10. *That the Defendant No.3 to 9 in the suit are the children of one of the daughters of Mallegowda, namely, Parvathamma have filed the written statement in the suit denying the plaint averments and also the specific averments of the Plaintiff in that the suit schedule properties are the joint family properties. Thus, the case of the Petitioner that she acquired the Item No.1 to 6 of plaint suit schedule properties are her absolute properties and cannot be included in the suit for partition.*
11. *That the Petitioner has produced Ex.D1, the Will dated 19/02/1979 executed by her father, Mallegowda in her favour in respect of suit Item No.1 to 6 which has not been challenged by the Plaintiffs nor the Defendant No.3 to 9 before the competent Court of Law. In the absence of the same the Plaintiffs cannot seek for partition of suit schedule Item No.1 to 6 in the suit filed by them.*
12. *That the Judgment passed in the RSA No.1466/2025 (PAR) which is under review suffers from error on the face of record for the reason that, the Petitioner has acquired the said suit schedule Item No.1 to 6 properties through a registered Will dated 19/02/1979,*



Ex.D1. However, the Trial Court has wrongly come to the conclusion that, the suit schedule Item No.1 to 6 are the ancestral joint family properties.

- 13. That the Defendant No.3 to 9 who are also grand children of the said Mallegowda, but, they have filed written statement, denying the plaint averments and also the case of the Plaintiffs that, they are the ancestral joint family properties. That being the case Plaintiffs case cannot be believed.*
- 14. That the Petitioner is in possession and enjoyment of the suit Item No.1 to 6 properties, the same were self acquired properties of the Petitioner, who in turn, has acquired from her father through a registered Will dated 19/02/1979 and thus, these Items became the absolute properties of the Petitioner and not liable for partition as per the Hindu Succession Act, 1955. Thus, the Trial Court was not justified in holding that, these are the ancestral joint family properties.*
- 15. That the Inam lands which were granted in the name of Mallegowda are his self acquired properties, since, he alone made the application for re-grant in his name in his individual capacity and they cannot be treated as joint family properties. However, Trial Court holds that, they are the joint family properties.*
- 16. Viewed from any angle the Judgment passed by this Hon'ble Court is required to be reviewed in view of the facts and circumstances of the case and also in view of the substantial question of law."*

3. Perusal of order impugned reveals that matter was heard after considering submission of counsel and on finding that no substantial question of law arose for consideration, appeal was dismissed.



4. Grounds urged in review petition amount to an application for re-hearing, which is impermissible. No error apparent on face record has been pointed out. Review petition is devoid of merit and is ***dismissed***.

Sd/-
(RAVI V HOSMANI)
JUDGE

GRD
List No.: 1 Sl No.: 18